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Attorneys for Plaintiff  
NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH, PA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH, PA, a  
Pennsylvania corporation,

Plaintiff,

vs.

LANDMARK AMERICAN INSURANCE  
COMPANY, an Oklahoma corporation, and  
DOES 1 through 10,

Defendants.

Case No.: C 05-02803 WHA

**REQUEST FOR DISMISSAL  
WITHOUT PREJUDICE/~~PROPOSED~~  
ORDER THEREON**

As further litigation in this matter prior to the resolution of the underlying actions will operate to greatly prejudice the parties' respective insureds, the parties to this action have reached an interim agreement with respect to the defense and indemnity of East Bay Municipal Utilities District and Mountain Cascade, Inc. while the underlying actions are pending. Accordingly, the parties respectfully request that the Court dismiss plaintiff National Union Fire Insurance Company of Pittsburgh, PA's complaint without prejudice, with each party to bear its own costs and fees.

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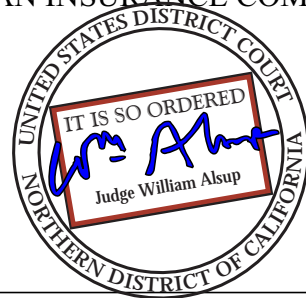
1 Dated: September 21, 2006

By: /s/ Laura J. Ruettgers  
LAURA J. RUETTGRS  
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Attorneys for Plaintiff NATIONAL UNION  
FIRE INSURANCE COMPANY OF  
PITTSBURGH, PA

6 Dated: September 21, 2006

By: \_\_\_\_\_  
Denis Shanagher, Esq.  
LUCE, FORWARD, HAMILTON &  
SCRIPPS LLP  
Attorneys for Defendant LANDMARK  
AMERICAN INSURANCE COMPANY

11 **IT IS SO ORDERED**



13 Dated: September 28, 2006

Hon. William H. Alsup,  
UNITED STATES DISTRICT JUDGE

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